

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE BRANNER,
Petitioner,

v.

RON BROOMFIELD¹, Warden, San
Quentin State Prison
Respondent.

Case No. 90-cv-03219-JD

JUDGMENT

Pursuant to the parties' stipulation of December 14, 2023 (Dkt. No. 384), and Rule 58 of the Federal Rules of Civil Procedure, Claim 19 in petitioner's amended petition for a writ of habeas corpus (Dkt. No. 177), is granted. Claim 19 and the supporting evidence establish a violation of petitioner's constitutional rights under *Batson v. Kentucky*, 476 U.S. 79 (1986). All other claims in petitioner's amended petition are dismissed without prejudice.

Petitioner's conviction and sentence of death are consequently vacated, and judgment is entered in favor of petitioner and against respondent. The State of California shall either commence proceedings to retry petitioner in compliance with California state law and the United States Constitution within 90 days of the date of this Order, or release petitioner.

IT IS SO ORDERED.

Dated: December 21, 2023



JAMES DONATO
United States District Judge

¹ As warden of the California State Prison at San Quentin, Warden Broomfield is substituted as respondent for his predecessor in that position, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.